

SENATE BILL 4270

By McNally

AN ACT to authorize the seasonal retail sale, use and possession of fireworks in Anderson County and to repeal Chapter 147 of the Private Acts of 1947; and any other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. As used in this act:

(1) "Consumer fireworks" means all articles of fireworks that comply with the construction, chemical composition, and labeling regulations of the United States consumer products safety commission as set forth in 16 C.F.R. parts 1500 and 1507 and classified as fireworks UN0336 or UN0337 by the United States department of transportation under 49 C.F.R. 172.101 (formerly classified as "Class C"), as this term is defined in Tennessee Code Annotated, Section 68-104-101; and

(2) "Seasonal" means June 20 through July 5 and December 10 through January 2.

SECTION 2. The seasonal retail sale, use and possession of consumer fireworks is authorized in Anderson County in accordance with the provisions of Tennessee Code Annotated, Title 68, Chapter 104, Part 1.

SECTION 3. The county legislative body of Anderson County, by resolution, may provide for reasonable areas and the number of locations within the county where consumer fireworks may be sold, establish an application process, including a reasonable application fee, set hours of operation for the sale or use of consumer fireworks, set a civil penalty, including providing for a hearing and appeal process, for a violation of such limitations or restrictions included in the resolution in an amount not to exceed that authorized by law, and create any

other provisions necessary to implement the provisions of this act which are not in contravention of the general law codified in Tennessee Code Annotated, Title 68, Chapter 104, Part 1.

SECTION 4. Chapter 291 of the Private Acts of 1947 is repealed.

SECTION 5. The provisions of this act are hereby declared severable, and if any of its sections, provisions, clauses, or parts are held unconstitutional or void, then the remainder of this act shall continue in full force and effect, it being the legislative intent now hereby declared that this act would have been adopted even if such unconstitutional or void matter or matters had not been included therein.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Anderson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.